

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EMIL P. MILYAKOV and
MAGDALENA A. APOSTOLOVA,

No. C 11-02066 WHA

Plaintiffs,

v.

**ORDER DENYING MOTION
FOR DEFAULT JUDGMENT**

JP MORGAN CHASE BANK, N.A,
CALIFORNIA RECONVEYANCE CO., PAUL
FINANCIAL, LLC, MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC, and DOES 1-
100,

Defendants.

In this foreclosure action, *pro se* plaintiffs Emil P. Milyakov and Magdalena A. Apostolova, move for default judgment against Paul Financial, LLC and Foundation Conveyancing, LLC (Dkt. No. 141).

FRCP 55 requires a two-step process for obtaining default judgment: (1) entry of default by the clerk pursuant to Rule 55(a) and (2) entry of judgment by either the clerk or the court pursuant to Rule 55(b). *Eitel v. McCool*, 782 F.2d 1470, 1471 (9th Cir. 1986). On March 15, 2012, plaintiffs requested that the Clerk of Court enter default against Paul Financial, LLC and Foundation Conveyancing, LLC (Dkt. No. 137). On March 19, the Clerk of Court declined to enter default as to both. Plaintiffs now move for default judgment against Paul Financial, LLC

1 and Foundation Conveyancing, LLC, yet plaintiffs have not obtained entry of default against
2 either entity (Dkt. No. 141). Thus, the motion for default judgment is **DENIED**.

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4 **IT IS SO ORDERED.**

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6 Dated: April 20, 2012.



7 WILLIAM ALSUP
8 UNITED STATES DISTRICT JUDGE
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